

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, ) 8:13CR135  
 )  
 Plaintiff, )  
 )  
 v. ) **MEMORANDUM  
 AND ORDER**  
 )  
 DANIEL T. RAY, )  
 )  
 Defendant. )

This matter is before the court on its own Motion. On August 8, 2013, the court entered a Memorandum and Order adopting Magistrate Judge Thalken's findings and recommendation. (Filing [39](#).) In doing so, the court noted that Defendant had not objected to the findings and recommendation. (*Id.*) However, Magistrate Thalken had previously granted an oral motion to continue the time to object to the findings and recommendation. (Filing 40.) Defendant has now filed an objection to the findings and recommendation. (Filing [44](#).)

Accordingly,

IT IS ORDERED that:

1. The court's August 8, 2013, Memorandum and Order (filing [39](#)) is withdrawn. Plaintiff's Motion to Suppress (filing [21](#)) remains pending and Magistrate Thalken's findings and recommendation (filing [33](#)) remains unadopted.
2. Plaintiff may file a brief opposing Defendant's objections within 14 days of this Memorandum and Order.

DATED this 12<sup>th</sup> day of August, 2013.

BY THE COURT:

*Richard G. Kopf*  
Senior United States District Judge

---

\*This opinion may contain hyperlinks to other documents or Web sites. The U.S. District Court for the District of Nebraska does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their Web sites. Likewise, the court has no agreements with any of these third parties or their Web sites. The court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the court.